

SEP 14 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

TINA DAVIS,

Plaintiff - Appellant,

v.

ANTHONY PRINCIPI, Secretary of
Veteran Affairs,

Defendant - Appellee.

No. 05-15423

D.C. No. CV-01-00039-JMR/JCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John M. Roll, District Judge, Presiding

Submitted September 11, 2006**

Before: PREGERSON, T.G. NELSON, and GRABER, Circuit Judges.

In this pro se interlocutory appeal, Tina Davis challenges the district court's denial of her motion for appointment of counsel in her Title VII action alleging

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

discrimination on the basis of race and religion. We have jurisdiction under 28 U.S.C. § 1291. *Bradshaw v. Zoological Soc’y of San Diego*, 662 F.2d 1301, 1305 (9th Cir. 1981) (order denying appointment of counsel in a Title VII action is appealable under the collateral order doctrine). We review for abuse of discretion, *id.* at 1319, and we affirm.

The district court did not abuse its discretion in concluding that Davis did not demonstrate circumstances that would warrant appointment of counsel. *See Johnson v. United States Treasury Dep’t*, 27 F.3d 415, 416-17 (9th Cir. 1994) (per curiam) (listing factors to be considered in appointment of counsel).

To the extent Davis seeks review of the magistrate judge’s recommendation that her motion to proceed *in forma pauperis* be denied, we lack jurisdiction because it is not a final appealable order. *See Tripathi v. Rison*, 847 F.2d 548, 548-49 (9th Cir. 1988) (order) (per curiam).

Davis’ remaining contentions are unpersuasive.

AFFIRMED.